

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

**DEFENDANT GOOGLE LLC’S OBJECTIONS TO PLAINTIFFS’ “FAIRNESS”
DESIGNATIONS**

Pursuant to the Court’s Order Modifying the Pretrial Schedule entered on June 24, 2024, ECF No. 871, Rule 26(a)(3) of the Federal Rules of Civil Procedure, and Local Civil Rule 30, Defendant Google LLC (“Google”) hereby submits its objections to Plaintiffs’ “fairness” designations, dated July 26, 2024. *See* ECF No. 1015-2. The objections are contained in the attached exhibit. The objection codes are as follows:

Code	Objection
106	Incomplete excerpt or designation
402	Irrelevant
602	Calls for speculation; speculative; lack of personal knowledge
611b	Beyond the scope of direct
701	Improper opinion by lay witness

Google reserves the right to amend and/or supplement the attached objections, including with respect to the Court’s rulings on motions *in limine* or other pre-trial rulings. Google also reserves the right to introduce or use any of Plaintiffs’ designations, counter designations, or “fairness” designations at trial, including as Google’s counter designations, to the extent Plaintiffs do not do so. Google further incorporates by reference herein its deposition

designations, objections to Plaintiffs' designations, counter designations, objections to Plaintiffs' counter-designations and "fairness" designations as filed on July 5, 2024, July 19, 2024, and July 26, 2024. *See* ECF No. 893; ECF No. 917-2; ECF No. 967.

Dated: July 31, 2024

Eric Mahr (*pro hac vice*)
Andrew Ewalt (*pro hac vice*)
Tyler Garrett (VSB # 94759)
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
700 13th Street, NW, 10th Floor
Washington, DC 20005
Telephone: (202) 777-4500
Facsimile: (202) 777-4555
eric.mahr@freshfields.com

Justina K. Sessions (*pro hac vice*)
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
855 Main Street
Redwood City, CA 94063
Telephone: (650) 618-9250
Fax: (650) 461-8276
justina.sessions@freshfields.com

Daniel Bitton (*pro hac vice*)
AXINN, VELTROP & HARKRIDER
LLP
55 2nd Street
San Francisco, CA 94105
Telephone: (415) 490-2000
Facsimile: (415) 490-2001
dbitton@axinn.com

Bradley Justus (VSB # 80533)
AXINN, VELTROP & HARKRIDER
LLP
1901 L Street, NW
Washington, DC 20036
Telephone: (202) 912-4700
Facsimile: (202) 912-4701
bjustus@axinn.com

Respectfully submitted,

/s/ Craig C. Reilly
Craig C. Reilly (VSB # 20942)
THE LAW OFFICE OF
CRAIG C. REILLY, ESQ.
209 Madison Street, Suite 501
Alexandria, VA 22314
Telephone: (703) 549-5354
Facsimile: (703) 549-5355
craig.reilly@ccreillylaw.com

Karen L. Dunn (*pro hac vice*)
Jeannie S. Rhee (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Amy J. Mauser (*pro hac vice*)
Martha L. Goodman (*pro hac vice*)
Bryon P. Becker (VSB #93384)
Erica Spevack (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Facsimile (202) 223-7420
kdunn@paulweiss.com

Erin J. Morgan (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3387
Facsimile: (212) 492-0387
ejmorgan@paulweiss.com

Counsel for Defendant Google LLC

Google LLC's Objections to Plaintiffs' Fairness Designations

Avery (Kevel)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
James Avery	2023.08.16	Litigation	Yes	73	4	73	6	Public	
James Avery	2023.08.16	Litigation	Yes	73	9	73	9	Public	
James Avery	2023.08.16	Litigation	Yes	73	11	73	13	Public	
James Avery	2023.08.16	Litigation	Yes	79	8	79	19	Public	611b
James Avery	2023.08.16	Litigation	Yes	79	20	79	23	Public	402, 611b
James Avery	2023.08.16	Litigation	Yes	80	23	81	4	Public	611b
James Avery	2023.08.16	Litigation	Yes	81	6	81	7	Public	611b
James Avery	2023.08.16	Litigation	Yes	82	19	82	20	Public	
James Avery	2023.08.16	Litigation	Yes	85	2	85	8	Public	602

Google LLC's Objections to Plaintiffs' Fairness Designations

Bender (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Brad Bender	2020.10.16	CID	No	90	18	90	20	Highly Confidential	
Brad Bender	2020.10.16	CID	No	141	14	141	16	Highly Confidential	
Brad Bender	2020.10.16	CID	No	155	16	155	24	Highly Confidential	
Brad Bender	2020.10.16	CID	No	160	3	160	15	Highly Confidential	
Brad Bender	2020.10.16	CID	No	227	12	227	21	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Bradbury (GSD&M)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Bo Bradbury	2023.09.08	Litigation	Yes	154	2	155	6	Highly Confidential	611b
Bo Bradbury	2023.09.08	Litigation	Yes	144	2	144	12	Highly Confidential	
Bo Bradbury	2023.09.08	Litigation	Yes	144	19	145	1	Highly Confidential	
Bo Bradbury	2023.09.08	Litigation	Yes	151	10	153	21	Highly Confidential	611b

Google LLC's Objections to Plaintiffs' Fairness Designations

Casale (Index Exchange)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Andrew Casale	2023.09.26	Litigation	Yes	39	2	39	5	Public	
Andrew Casale	2023.09.26	Litigation	Yes	39	8	39	10	Public	
Andrew Casale	2023.09.26	Litigation	Yes	102	18	102	20	Public	
Andrew Casale	2023.09.26	Litigation	Yes	124	17	125	2	Public	
Andrew Casale	2023.09.26	Litigation	Yes	162	6	162	14	Public	
Andrew Casale	2023.09.26	Litigation	Yes	199	5	199	14	Public	
Andrew Casale	2023.09.26	Litigation	Yes	200	25	201	6	Public	

Google LLC's Objections to Plaintiffs' Fairness Designations

Cox (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Sam Cox	2020.10.26	CID	No	66	23	67	20	Highly Confidential	
Sam Cox	2020.10.26	CID	No	77	15	78	24	Highly Confidential	602
Sam Cox	2020.10.26	CID	No	80	14	80	22	Highly Confidential	
Sam Cox	2020.10.26	CID	No	29	4	29	15	Highly Confidential	611b
Sam Cox	2020.10.26	CID	No	242	10	242	15	Highly Confidential	611b
Sam Cox	2020.10.26	CID	No	280	14	280	19	Highly Confidential	611b

Google LLC's Objections to Plaintiffs' Fairness Designations

Farber (Meta)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Omri Farber	2023.09.18	Litigation	Yes	140	1	140	16	Highly Confidential	
Omri Farber	2023.09.18	Litigation	Yes	141	1	141	2	Public	
Omri Farber	2023.09.18	Litigation	Yes	141	4	141	7	Highly Confidential	
Omri Farber	2023.09.18	Litigation	Yes	141	9	141	10	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Harrison (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Donald Harrison	2021.10.19	CID	Yes	233	25	234	8	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Helfand (Disney)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Jeremy Helfand	2023.09.29	Litigation	Yes	129	18	129	23	Highly Confidential	611b
Jeremy Helfand	2023.09.29	Litigation	Yes	159	11	159	21	Public	611b
Jeremy Helfand	2023.09.29	Litigation	Yes	202	21	203	4	Highly Confidential	611b
Jeremy Helfand	2023.09.29	Litigation	Yes	203	5	203	9	Public	611b
Jeremy Helfand	2023.09.29	Litigation	Yes	211	8	211	16	Highly Confidential	611b
Jeremy Helfand	2023.09.29	Litigation	Yes	226	20	227	1	Public	
Jeremy Helfand	2023.09.29	Litigation	Yes	245	23	245	24	Public	

Google LLC's Objections to Plaintiffs' Fairness Designations

Kim (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Woojin Kim	2021.03.30	CID	No	46	15	46	19	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	101	11	101	18	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	105	2	105	3	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	109	2	109	8	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	125	5	125	8	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	131	21	131	22	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	148	12	148	15	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	158	25	159	4	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	192	22	193	2	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	238	3	238	8	Highly Confidential	
Woojin Kim	2021.03.30	CID	No	242	23	243	4	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Korula (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Nitish Korula	2023.11.14	Litigation	Yes	60	9	60	11	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Lambert (Omnicom)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Luke Lambert	2023.08.29	Litigation	Yes	63	2	63	4	Highly Confidential	
Luke Lambert	2023.08.29	Litigation	Yes	116	16	116	19	Highly Confidential	
Luke Lambert	2023.08.29	Litigation	Yes	243	16	243	18	Highly Confidential	
Luke Lambert	2023.08.29	Litigation	Yes	253	2	253	3	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

LaSala (Xoogler)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Chris LaSala	2023.08.16	Litigation	No	104	18	104	20	Confidential	
Chris LaSala	2023.08.16	Litigation	No	104	23	104	25	Confidential	
Chris LaSala	2023.08.16	Litigation	No	105	2	105	10	Confidential	
Chris LaSala	2023.08.16	Litigation	No	190	4	190	17	Highly Confidential	
Chris LaSala	2023.08.16	Litigation	No	217	13	217	24	Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Loubser (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Max Loubser	2021.04.21	CID	No	148	12	148	14	Highly Confidential	602, 701
Max Loubser	2021.04.21	CID	No	148	18	148	25	Highly Confidential	602, 701
Max Loubser	2021.04.21	CID	No	209	24	210	6	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Minkin (News Corp)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
David A. Minkin	2023.09.22	Litigation	Yes	226	23	227	3	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Pappu (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Aparna Pappu	2023.08.11	Litigation	Yes	120	8	120	11	Public	
Aparna Pappu	2023.08.11	Litigation	Yes	129	22	130	24	Confidential	611b
Aparna Pappu	2023.08.11	Litigation	Yes	132	3	133	7	Confidential	611b
Aparna Pappu	2023.08.11	Litigation	Yes	134	23	135	2	Confidential	611b
Aparna Pappu	2023.08.11	Litigation	Yes	197	8	197	11	Highly Confidential	
Aparna Pappu	2023.08.11	Litigation	Yes	215	15	219	3	Highly Confidential	
Aparna Pappu	2023.08.11	Litigation	Yes	231	2	233	3	Highly Confidential	611b
Aparna Pappu	2023.08.11	Litigation	Yes	235	10	235	22	Highly Confidential	
Aparna Pappu	2023.08.11	Litigation	Yes	243	22	243	23	Public	
Aparna Pappu	2023.08.11	Litigation	Yes	246	3	246	7	Highly Confidential	
Aparna Pappu	2023.08.11	Litigation	Yes	247	20	247	23	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Pappu (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Aparna Pappu	2023.11.02	Litigation	Yes	38	17	38	21	Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Parsons (Criteo)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Todd Parsons	2023.09.08	Litigation	Yes	164	3	164	12	Highly Confidential	
Todd Parsons	2023.09.08	Litigation	Yes	204	12	204	24	Highly Confidential	
Todd Parsons	2023.09.08	Litigation	Yes	207	13	207	14	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Rowley (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Bryan Rowley	2021.07.27	CID	Yes	99	17	99	22	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Shaughnessy (Kargo)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Michael Shaughnessy	2023.08.09	Litigation	Yes	35	11	35	13	Public	611b, 402, 701
Michael Shaughnessy	2023.08.09	Litigation	Yes	35	15	35	15	Public	611b, 402, 701

Google LLC's Objections to Plaintiffs' Fairness Designations

Sinaniyev (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Vlad Sinaniyev	2023.11.16	Litigation	Yes	112	20	112	25	Highly Confidential	602, 611b
Vlad Sinaniyev	2023.11.16	Litigation	Yes	225	1	225	4	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Soroca (Magnite)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Adam Soroca	2023.08.31	Litigation	Yes	98	22	99	4	Public	402, 611b
Adam Soroca	2023.08.31	Litigation	Yes	99	5	99	7	Public	402, 611b
Adam Soroca	2023.08.31	Litigation	Yes	99	9	99	12	Public	402, 611b
Adam Soroca	2023.08.31	Litigation	Yes	110	9	110	11	Public	
Adam Soroca	2023.08.31	Litigation	Yes	110	22	111	1	Public	
Adam Soroca	2023.08.31	Litigation	Yes	111	3	111	3	Public	
Adam Soroca	2023.08.31	Litigation	Yes	183	1	183	3	Public	602, 701

Google LLC's Objections to Plaintiffs' Fairness Designations

Spencer (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objections</u>
Scott Spencer	2021.08.12	CID	Yes	86	9	86	16	Highly Confidential	
Scott Spencer	2021.08.12	CID	Yes	129	22	130	10	Highly Confidential	
Scott Spencer	2021.08.12	CID	Yes	126	17	127	9	Highly Confidential	
Scott Spencer	2021.08.12	CID	Yes	157	22	158	5	Highly Confidential	106
Scott Spencer	2021.08.12	CID	Yes	158	20	160	1	Highly Confidential	

Google LLC's Objections to Plaintiffs' Fairness Designations

Stewart (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objection</u>
Bonita Stewart	2021.05.17	CID	Yes	137	19	138	4	Highly Confidential	611b

Google LLC's Objections to Plaintiffs' Fairness Designations

Verma (Google)

<u>Witness</u>	<u>Date of Deposition</u>	<u>CID or Litigation Deposition</u>	<u>Video of Deposition (Y/N)</u>	<u>Page From</u>	<u>Line From</u>	<u>Page to</u>	<u>Line to</u>	<u>Party Confidentiality as of 2024.07.26</u>	<u>Google Objection</u>
Alok Verma	2021.07.21	CID	Yes	148	23	149	2	Highly Confidential	
Alok Verma	2021.07.21	CID	Yes	153	5	153	10	Highly Confidential	
Alok Verma	2021.07.21	CID	Yes	307	19	307	25	Highly Confidential	